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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

|                           |   |                                 |
|---------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA, | ) | No. CR 07-00787-JW              |
|                           | ) |                                 |
| Plaintiff,                | ) | STIPULATION AND [PROPOSED]      |
|                           | ) | ORDER EXCLUDING TIME FROM       |
| v.                        | ) | JANUARY 24, 2008 TO FEBRUARY 7, |
|                           | ) | 2008 FROM THE SPEEDY TRIAL ACT  |
| CARLOS CAGUIMBAL,         | ) | CALCULATION (18 U.S.C. §        |
|                           | ) | 3161(h)(8)(A), (B))             |
| Defendant.                | ) |                                 |
|                           | ) |                                 |
|                           | ) |                                 |

On January 24, 2008, the parties appeared for a hearing before the Honorable Howard R. Lloyd.. At that time, defendant Caguimbal made his initial appearance on a judicial summons issued upon the indictment of defendant. Based upon the request of the parties, the Court set the matter for a status hearing on February 11, 2008, before Judge Ware. At this hearing, both government and defense counsel requested an exclusion of time under the Speedy Trial Act.

The United States hereby submits this written request for an order finding that the time between January 24, 2008 and February 11 2008, is excluded under the Speedy Trial Act, 18 U.S.C. §3161, in that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). The failure to

1 grant such a continuance would unreasonably deny counsel for defendant the reasonable time  
2 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C.  
3 §3161(h)(8)(B).

4  
5 DATED: January 25, 2008

JOSEPH P. RUSSONIELLO  
United States Attorney

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7 \_\_\_\_\_/s/\_\_\_\_\_  
8 EUMI L. CHOI  
Assistant United States Attorney

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10 \_\_\_\_\_/s/\_\_\_\_\_  
11 MANUEL U. ARAUJO  
Attorney for Defendant

**ORDER**

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time between January 24, 2008 and February 7, 2008 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The court finds that the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). The failure to grant such a continuance would unreasonably deny counsel for defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The court therefore concludes that this exclusion of time should be made under 18 U.S.C. §3161(h)(8)(A).

IT IS SO ORDERED.

DATED:

\_\_\_\_\_  
HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE